

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC DOWDY-EL, et al.,

Plaintiffs,

v.

Case No. 06-11765

PATRICIA L. CARUSO, et al.,

HON. AVERN COHN

Defendants.

MEMORANDUM AND ORDER DENYING
MOTIONS FOR ENFORCEMENT OF JUDGMENT (Docs. 246, 248)
AND
MOTIONS FOR CONTEMPT (Docs. 249, 250)

I.

Plaintiffs, Muslim inmates housed by the Michigan Department of Corrections (“MDOC”), sued challenging the defendant prison officials’ alleged failure to accommodate their requests to observe three distinct Islamic religious practices:

- (1) attending Jum’ah prayer services;
- (2) receiving a halal diet; and
- (3) participating in the Eid ul-Fitr and Eid ul-Adha Feasts (the “Eid feasts”)

The Court approved a settlement agreement between and entered a judgment that allows plaintiffs to participate in the Eid feasts. (Doc. 85). The order approving the settlement (Settlement Order), states that “[t]his Court shall retain jurisdiction over this matter for the purpose of enabling . . . any class member to apply to this Court for the enforcement of any provision or the punishment of any violation of this Order . . .” (Doc. 129). Thus, the Court retained jurisdiction to allow a class member to enforce any

provision of the settlement agreement and allow for punishment if the MDOC is violating any provision.

Before the Court are motions by class members Lamont Heard and Bekeiba Holland to enforce the judgment and for contempt. Heard and Holland contend that the MDOC will not allow Nation of Islam members, such as them, participate in the Eid Al Adha feast. For the reasons that follow, the motions are DENIED.

II.

According to the papers, on July 10, 2018, Holland received an email from Philip Monahan, the acting chaplain at the Cotton Correctional Facility, which stated that members of the Nation of Islam (NOI) could not attend the Eid Al Adha. Three days later Holland received another email from Monahan that referenced David Leach and indicated that there would be no accommodations made for NOI members to attend the Eid Al Adha. David Leach is the Special Activities Coordinator for the Michigan Department of Corrections (MDOC). Leach oversees the chaplains for the MDOC.

On August 8, 2018, counsel for the MDOC received an email purporting to be from Heard, stating that the MDOC will not allow members of the NOI to participate in Eid Al Adha. That same day, Leach issued a memo to all MDOC chaplains indicating that NOI members can participate in the Eid Al Adha. See MDOC Exhibit B.

On August 10, 2018, Heard and Holland, filed a motions for enforcement of the judgment and motions for to hold Leach in contempt of Court. Heard and Holland want the Court to order that members of the NOI be allowed to participate in the Eid Al Adha and Leach be held in contempt for not complying with the judgment.

III.

As to the motions to enforce, the Eid Al Adha took place on August 21, 2018. Based on Leach's memo directing that all members of the NOI, including Heard and Holland, be able to participate in the Eid Al Adha, the motions for enforcement are moot as Heard and Holland were able to participate and will continue to be able to participate in the Eid feasts going forward. Thus, the MDOC has complied with the judgment.

As to the motion for contempt, although Heard and Holland's requests to participate in Eid Al Adha were initially denied, Leach made clear that they were able to participate. The Sixth Circuit has held that "In order to hold a litigant in contempt, the movant must produce clear and convincing evidence that shows that 'he violated a definite and specific order of the court requiring him to perform or refrain from performing a particular act or acts with knowledge of the court's order.'" Elec. Workers Pension Trust Fund of Local Union #58 v. Gary's Elec. Serv. Co., 340 F.3d 373, 378 (6th Cir. 2003). Heard and Holland have not shown by clear and convincing evidence that Leach violated any order. In fact, Leach ultimately gave Heard and Holland the relief they want. Thus, there is no basis to find Leach in contempt. There is no basis to find that Heard and Holland will not be able to participate in the Eid Al Adha in the future.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 8/29/2018
Detroit, Michigan